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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. *2008-334*

14 LYDIA SISON SEBASTIAN
15 PO Box 1862
Walnut, CA 91788

ACCUSATION

16 Registered Nurse License No. 280352
17

18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about September 31, 1977, the Board of Registered Nursing issued
24 Registered Nurse License No. 280352 to Lydia Sison Sebastian. The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 May 31, 2009, unless renewed.

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JURISDICTION

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3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(3) The use of advertising relating to Nursing which violates section 17500.

.....

“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 BOARD REGULATIONS

2 8. California Code of Regulations, Title 16 (hereinafter, "CCR"), section
3 1420 subdivision(a) provides that an accredited nursing program means a school, program,
4 department or division of nursing accredited under the provisions of section 2785 through 2789
5 of the Code. CCR section 1423 provides that in order for a program to be accredited by the
6 Board, it shall comply with all requirements set forth in article 3 and in sections 2786 through
7 2788 of the Code.

8 9. CCR section 1420 subdivision(i) defines a "Director" as the registered
9 nurse faculty member which administers the program and who has the authority and
10 responsibility for yearly fiscal planning of its resources. CCR section 1425 (b) provides that the
11 Director (of an accredited nursing program) must possess a Master's or higher degree at an
12 accredited college or university which includes course work in nursing, education or
13 administration.

14 10. CCR section 1425 subdivision(a) provides that:

15 "(a) A nurse faculty member appointed on or after the effective
16 date of these regulations shall hold a valid, active license issued by the
17 board.

18 (b) The registered nurse director of the program shall have:

19 (1) A Master's or higher degree from an accredited
20 college or university which includes course work in nursing,
21 education or administration;

22 (2) A minimum of one year's experience in an
23 administrative position;

24 (3) A minimum of two years' experience teaching in
25 pre- or post-licensure nursing programs;

26 (4) At least one year's experience as a registered nurse
27 providing direct patient care; or

28 (5) Equivalent experience and/or education, as
determined by the board."

11. CCR section 1425 subdivision (d) provides that:

"(d) An instructor shall meet the following requirements:

(1) Those set forth in subsections (b)(1) and (b)(4)
above; and

(2) Completion of at least one year's experience
teaching courses related to nursing or a course which includes
practice in teaching nursing."

1 for the applicant's signature."

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3 16. Section 17500 of the Code provides in pertinent part that:

4 "[i]t is unlawful for any person...to induce the public to enter into any obligation...
5 to make or disseminate or cause to be made or disseminated before the public in this state...or
6 from this state before the public in any state, in any newspaper or other publication, or any
7 advertising device, or by public outcry or proclamation, or in any other manner or means
8 whatever, including over the Internet, any statement, concerning ...those services...which is
9 untrue or misleading, and which is known, or which by the exercise of reasonable care should be
10 known, to be untrue or misleading, or for any person, firm, or corporation to so make or
11 disseminate or cause to be so made or disseminated any such statement as part of a plan or
12 scheme with the intent not to sell those services, professional or otherwise, so advertised at the
13 price stated therein, or as so advertised."

14 FIRST CAUSE FOR DISCIPLINE

15 (Violating/Attempting to Violate Nursing Practice Act)

16 17. Respondent is subject to disciplinary action under section 2761,
17 subdivision (d) of the Code, in conjunction with Code sections 675, 2736(a), 2798, and 2799 and
18 CCR sections 1420 subdivisions (a) and (i), 1423, 1425(b)(1)-(5), and 1425 (d)(1) and (2) on the
19 grounds of unprofessional conduct, in that while operating RN Learning Center located in West
20 Covina, California from about April, 2006 through January, 2007, Respondent violated and/or
21 attempted to violate the Nursing Practice Act as follows:

- 22 a. Respondent advertised, promoted, and offered an unaccredited prelicensure
23 registered nursing program (unaccredited nursing program) to prospective
24 students.
25 b. Respondent operated and enrolled students into the unaccredited nursing program.
26 c. Respondent approached several hospitals requesting clinical placement for
27 students who were enrolled in her unaccredited nursing program.
28 d. Respondent aided, abetted, and arranged the unlicensed practice of registered

1 nursing by placing her students, who were enrolled in the unaccredited nursing
2 program, for clinical assignments at health-care facilities.

3 e. Respondent failed to give proper notice to applicants for admission to her
4 unaccredited nursing program that the courses of instruction offered were not
5 accredited by the Board and that completion thereof would not qualify the
6 applicants to take any examination given by the Board.

7 f. Respondent acted in the capacity of a registered nurse director and an instructor
8 in the program in violation of Section 1425(b)(1)-(5), and 1425 (d)(1) and (2) of
9 Title 16 of the California Code of Regulations in that Respondent did not possess
10 a master's degree.

11 SECOND CAUSE FOR DISCIPLINE

12 (Violating/Attempting to Violate Nursing Practice Act)

13 18. Respondent is subject to disciplinary action under section 2761,
14 subdivision (d) of the Code, in conjunction with Code sections 675, 2736(a), 2798, and 2799 and
15 CCR sections 1420 subdivisions (a) and (i), 1423, 1425(b)(1)-(5), and 1425 (d)(1) and (2) on the
16 grounds of unprofessional conduct, in that while operating Holy Trinity College of Nursing
17 located in Covina, California from about January, 2007 through April, 2007, Respondent violated
18 and/or attempted to violate the Nursing Practice Act as follows:

19 a. Respondent advertised, promoted, and offered an unaccredited prelicensure
20 registered nursing program (unaccredited nursing program) to prospective
21 students.

22 b. Respondent operated and enrolled students into the unaccredited nursing program.

23 c. Respondent failed to give proper notice to applicants for admission to her
24 unaccredited nursing program that the courses of instruction offered were not
25 accredited by the Board and that completion thereof would not qualify the
26 applicants to take any examination given by the Board.

27 d. Respondent acted in the capacity of a registered nurse director in the program in
28 violation of Section 1425(b)(1)-(5) of Title 16 of the California Code of

1 Regulations in that Respondent did not possess a master's degree.

2 THIRD CAUSE FOR DISCIPLINE

3 (Nursing Related Advertisement in Violation of Code Section 17500)

4 19. Respondent is subject to disciplinary action under section 2761,
5 subdivision (a) (3) of the Code, in conjunction with Code section 17500, on the grounds of
6 unprofessional conduct, in that while operating RN Learning Center and Holy Trinity College of
7 Nursing from about April, 2006 through April, 2007, in order to induce others to enter into a
8 contractual obligation with her, Respondent advertised and made false and misleading statements
9 regarding her unaccredited nursing program(s) in violation of Code Section 17500 as follows:

- 10 a. Respondent made false and misleading statements to prospective students and/or
11 hospitals regarding the unaccredited status of the nursing program.
- 12 b. Respondent made false and misleading statements to prospective students
13 regarding the cost of the unaccredited nursing program.
- 14 c. Respondent made false and misleading statements to prospective students
15 regarding the provision of clinical experience by the unaccredited nursing
16 program.
- 17 d. Respondent made false and misleading statements to prospective students
18 regarding the ability of the student to qualify to take any examination given by the
19 Board upon completion of the unaccredited nursing program.
- 20 e. Respondent made false and misleading statements to prospective students,
21 instructors, and hospitals regarding the lack of Board approval to operate the
22 unaccredited nursing program.
- 23 d. Respondent made false and misleading statements to prospective students
24 regarding the transcripts that the students would receive upon completion of the
25 unaccredited nursing program.
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FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

20. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the Code, on the grounds of unprofessional conduct, as set forth in paragraphs 16-18.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 280352, issued to Lydia Sison Sebastian;
2. Ordering Lydia Sison Sebastian to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/22/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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